



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

March 26, 2020

**GENERAL NOTICE LETTER**  
**VIA E-MAIL**

Brittany A. Barrientos  
Stinson LLP  
1201 Walnut Street, Suite 2900  
Kansas City, Missouri 64106  
Brittany.barrientos@stinson.com

✓ Tim Rogers, Director of Environmental Services  
Black Hills Corporation  
P.O. Box 1400  
Rapid City, South Dakota 57709  
Tim.Rogers@blackhillscorp.com

Re: General Notice Letter for the Citizens Gas & Electric Company Superfund Site in Council Bluffs, Iowa (IAD984589093)

Dear Ms. Barrientos and Mr. Rogers:

Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601- 9675, the U.S. Environmental Protection Agency is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment. The EPA has documented that such a release has occurred at the Citizens Gas & Electric Company Superfund Site (Site) in Council Bluffs, Iowa. Based on information currently available to the EPA, the EPA has determined that Black Hills Corporation (Black Hills) may be responsible under CERCLA for responding to Site conditions.

**Explanation of Potential Liability**

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties (PRPs) may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by the EPA in responding to site conditions. PRPs include current and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at a site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

Based on available information, the EPA believes that Black Hills may be liable under Section 107(a) of CERCLA with respect to the Site, as a current owner and/or operator of the Site.



Printed on Recycled Paper

**Administrative Settlement Agreement and Order on Consent  
for Engineering Evaluation/Cost Analysis**

Enclosed is a draft Administrative Settlement Agreement and Order on Consent (ASAOC) for the performance of an Engineering Evaluation/Cost Analysis (EE/CA) for the Site. Black Hills is invited to engage in negotiations with the EPA and other PRPs to reach a settlement to conduct or finance the EE/CA at the Site. To assist you in your efforts to communicate, enclosed is a list of names and addresses of PRPs to whom this letter is being sent.

The EPA is seeking to complete negotiation of the ASAOC within 60 days following your receipt of this letter. You are encouraged to contact the EPA within 14 days of your receipt of this letter to indicate Black Hills' willingness to participate in negotiations concerning this Site. While the EPA is interested in progressing its mission work, we recognize that municipalities, state agencies, and businesses may be facing hardships during the COVID-19 pandemic. We believe that negotiations can proceed through remote communications, but we are open to discussing flexibilities with regard to schedules.

**EPA Contacts**

If you have any questions pertaining to this matter, please contact Cathie Chiccine of EPA Region 7's Office of Regional Counsel at (913) 551-7917 or [chiccine.catherine@epa.gov](mailto:chiccine.catherine@epa.gov). Technical questions may be directed to Yvonne Smith, On-Scene Coordinator, at (913) 551-7795 or [smith.yvonne@epa.gov](mailto:smith.yvonne@epa.gov). Thank you for your prompt attention to this matter.

Sincerely,

MARY PETERSON

Digitally signed by MARY  
PETERSON  
Date: 2020.03.26 15:08:45 -0500

Mary P. Peterson  
Director  
Superfund and Emergency Management Division

Enclosures

cc: Amie Davidson, IDNR

Omaha Public Power District  
c/o Stephen M. Bruckner  
Fraser Stryker PC LLO  
500 Energy Plaza  
409 South 17<sup>th</sup> Street  
Omaha, Nebraska 68102-2663  
(402) 341-6000  
[sbruckner@fraserstryker.com](mailto:sbruckner@fraserstryker.com)

Patrick A. Sondag, Registered Agent  
T & A Real Estate, L.L.C.  
607 S. Main Street, Suite 200  
Council Bluffs, Iowa 51503

David S. Gorham  
General Counsel Division  
Iowa Department of Transportation  
800 Lincoln Way  
Ames, Iowa 50010  
(515) 239-1711  
[David.gorham@iowadot.us](mailto:David.gorham@iowadot.us)

James R. Talcott  
Northern Natural Gas Company  
Legal Department  
1111 South 103<sup>rd</sup> Street  
Omaha, Nebraska 68124  
(402) 398-7003  
[Jim.talcott@nngco.com](mailto:Jim.talcott@nngco.com)

Peg Roy  
MidAmerican Energy Company  
666 Grand Ave., Suite 500  
Des Moines, Iowa 50309-2580  
(515) 281-2779  
[paroy@midamerican.com](mailto:paroy@midamerican.com)

Richard Wade, City Attorney  
City of Council Bluffs  
209 Pearl Street, Suite 304  
Council Bluffs, Iowa 51503  
(712) 890-5317  
[rwade@councilbluffs-ia.gov](mailto:rwade@councilbluffs-ia.gov)

7014 1200 0000 6123 8630

<b>U.S. Postal Service™</b> <b>CERTIFIED MAIL™ RECEIPT</b> <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Sent To <u>TIM ROGERS/BLACK HILLS CORPORATION</u> Street, Apt. No. or PO Box No. <u>PO Box 1400</u> City, State, ZIP+4 <u>Rapid City SD 57709</u>	
PS Form 3800, August 2010 <span style="float: right;">See Reverse for Instructions</span>	

Postmark Here

**Certified Mail Provides:**

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

**Important Reminders:**

- Certified Mail may **ONLY** be combined with First-Class Mail® or Priority Mail®.
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**

PS Form 3800, August 2006 (Reverse) PSN 7500-02-000-9047